

REMARKS

Pending Claims

Claim 30 is currently amended; claims 34-36 are original; claims 50-55 are new. Claims 23, 31-33, 37, and 46-49 are cancelled without prejudice to refile in a subsequent application. Claims 1-22, 24-29, and 38-45 are withdrawn, and withdrawn claim 1 is currently amended to include the scope of currently amended claim 30.

Accordingly, Claims 30, 34-36, and 50-55 are pending in this application.

Priority

The Examiner suggests the claims are not supported by the priority document. Applicants respectfully disagree. As amended, independent claim 30 recites a composition for delivery to the colon having a fructo-oligosaccharide coating that is not digested in the stomach or small intestine. A fructo-oligosaccharide coated bacterium is described on page 1 of the provisional document. Reconsideration is requested.

Anticipation

Teiji (JP abstract)

Teiji is cited as teaching a digestion-resistant capsule coated with fructooligosaccharide and used to administer bacterium to the colon. Applicants respectfully point to the abstract's teaching: A capsule is formed of the solution of a coating film-formable and edible polymeric compound, *and a plurality of holes* permitting the passage of bacteria are simultaneously or subsequently formed in the capsule. Or, the capsule is formed in a state *capable of being perforated in a small intestine*. The reference fails to teach the claimed invention, which is not digested in the small intestine. Removal of this rejection is requested.

Sotoyama US 6451344

Sotoyama is cited as teaching a tablet having a core coated with lactulose (a disaccharide) and raffinose (a trisaccharide). The reference does not teach or suggest a composition comprising a fructo-oligosaccharide as recited in the amended claims. Removal of this rejection is requested.

Leusner US6468568

Leusner is cited as teaching a mineral or vitamin encapsulated by fructooligosaccharides or inulin. The fructooligosaccharide disclosed in Leusner is has a DP of 2-4 and/or a DP of 2-8, with a mean DP of 4. The claims as amended are not anticipated by the reference. Removal of this rejection is requested.

Toyama (JP Abstract)

Toyama is cited as teaching enteric coated tablet comprising a core and a coating of lactulose (a disaccharide) and raffinose (a trisaccharide). The reference does not teach or suggest a composition comprising a fructo-oligosaccharide as recited in the amended claims. Removal of this rejection is requested.

Obviousness

Teji in view of Takaichi (US6750331)

Teja is distinguished above. The reference does not teach or suggest a composition comprising a fructo-oligosaccharide as recited in the amended claims. Removal of this rejection is requested.

CONCLUSION

Applicants respectfully request entry of this Amendment and examination of the claims on the merits. If the examiner believes a telephone conference would advance prosecution of this application, or otherwise answer questions relating to this response, the examiner is invited to telephone the undersigned attorney at the listed number.

Respectfully submitted,

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